

Government of the District of Columbia  
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 103  
CASE NO. 73-20  
November 20, 1974

Pursuant to notice, a public hearing of the Zoning Commission were held on August 6, 7, 8, and 9, 1973, to consider an amendment to the text of the Zoning Regulations. Thereafter, having met in Executive Session, the Commission hereby ORDERS the adoption of the following amendments to the text of the Zoning Regulations:

TEXT CHANGE INSTRUCTIONS

1. Add a new Paragraph 2101.15 - Waterfront zone District as follows:

2101.15 - Waterfront Zone Districts:

W - Mixed uses subdivided into:

W-1 Low Density

W-2 Medium Density

w-3 High Density

2. Revise the title for Chapter 4 to read as follows:

Use, Height, Area, and Bulk Regulations for Special  
Purpose and Waterfront Districts

3. Add a new Article 44 as follows:

Article 44 - Waterfront Zone Districts

Section 4401 - Preamble

4401.1 - The Waterfront (W) zone districts are applied to waterfront areas which have one or more of the following characteristics: (1) geographically, historically or locationally unique; (2) adjacent to well-established residential areas; (3) are undergoing transition from light and heavy industrial uses to office and commercial uses; and (4) where the public health, safety, general welfare and amenity would be promoted and protected by the encouragement of mixed uses. The district is subdivided into W-1, W-2, and W-3 Districts. The W-1 District permits only a low height and density, the W-2 allows a medium height and density and the W-3 allows the greatest height and density of the three districts.

The purpose of the Waterfront (W) zone districts is to encourage a diversity of compatible land uses at various densities, including combinations of residential, offices, retail, recreational and other miscellaneous uses. Such districts are also intended to be relatively self-contained by

supplying a variety of housing, service, employment, and recreational opportunities in one location. This characteristic allows one area to serve many different needs of a single population and thereby reduce the amount of vehicular traffic generated by the uses in these districts.

#### Section 4402 - Use Regulations

4402.1 - Except as provided in Article 72 and Subsections 4402.5 and 4402.6 of these regulations, in the Waterfront Districts, no building or premises shall be used and no building shall be erected or altered which is arranged, intended or designed to be used except as specified in Subsections 4402.2, 4402.3, and 4402.4.

4402.2 - The following uses are permitted as a matter of right:

4402.21 - Dwelling, flat or multiple dwelling

4402.22 - Rooming or boarding house

4402.23 - Community center, social service center or halfway house

4402.24 - Hotel or motel

4402.25 - Church or other place of  
worship

4402.26 - Convalescent home, nursing  
home or personal care home

4402.27 - Philanthropic or eleemosynary  
institution

4402.28 - Retail sales or services not  
specified in Subsections 4402.3 and 4402.4

4402.29 - Office

4402,210 - Restaurant or private club

4402,211 - Artist's studio

4402.212 - Private or public theater

4402.213 - Boat club or marina

4402.214 - Swimming pool

4402.215 - Recreational building or use

4402.216 - Park or open space

4402.217 - Library

4402.218 - Museum

4402.219 - Accessory use (including  
parking), building or structure customarily  
incidental and subordinate to the principal  
uses permitted above.

4402.3 - The following uses are permitted as Special Exceptions when authorized by the Board of Zoning Adjustment, if the Board considers that they are appropriate in furthering the objectives of the Waterfront Districts, subject to the provisions of Subsection 8207.2, and in addition, the further considerations specified in this article in each case,:

4402.31 - Hospital or Clinic provided that:

a. Such facility is so designed as to enhance the visual and recreational opportunities offered by the Waterfront.

b. Such use is located so that it is not likely to become objectionable to surrounding and nearby property because of noise, traffic or parking.

c. There is a demonstrated need for the facility.

d. The applicant shall submit to the Board a detailed plan for the hospital or clinic and accessory facilities; showing location, height and bulk of all improvements including but not limited to buildings, parking and loading facilities, screening, signs, and

public utility facilities, and a description of the activities to be carried on at the hospital or clinic, including the capacities of the various facilities within the hospital or clinic.

e. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include reports and recommendations from all appropriate District of Columbia agencies,

4402.32 - Electric substation, natural gas regulator station, public utility pumping station or telephone exchange, provided that:

a. Requirement for setbacks, screening be established by the Board.

b. The Board shall establish other safeguards, as deemed necessary for protection of the neighborhood.

4402.33 - Bowling Alley, provided that:

a. The use shall not be within 25 feet of a residential district unless separated therefrom by a street or alley.

b. Soundproofing to the extent deemed necessary for the protection of adjoining and nearby property shall be required.

c. Before taking final action on an application for such use, the Board shall refer the application to the Office of

Planning and Management for coordination, review and report, said report to include the recommendations of all appropriate District of Columbia agencies.

d. The Board may impose requirements pertaining to design, appearance, screening, lighting, signs and such other requirements as it shall deem necessary for the protection of neighboring or adjacent property.

4402.34 - Light manufacturing, processing, fabricating or milling establishment, provided that:

a. Such facility is so designed as to enhance the visual and recreational opportunities offered by the Waterfront.

b. Such use shall comply with the standards of external effects for C-M Districts contained in Subsection 6101.5 and, further, shall have no adverse effects on other uses on the same or adjoining properties.

c. Such use will not result in dangerous or otherwise objectionable traffic conditions.



d. There is adequate off-street parking for trucks and other service vehicles.

e. There is no outdoor storage of materials.

f. The Board may impose requirements pertaining to design, appearance, screening, and such other requirements as it shall deem necessary for the protection of neighboring or adjacent properties.

g. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the recommendations of all appropriate District of Columbia agencies.

4402.35 - Warehouse or wholesale use, subject to the conditions of Paragraph 4402.34, above.

4402.36 - Building service trade, including but not limited to, plumber, electrician, exterminator, or air-conditioning mechanic,

subject to the conditions specified in Paragraph 4402.34, above.

4402.37 - Private school, trade school, college or university, provided that:

a. Such facility is so designed as to enhance the visual and recreational opportunities offered by the Waterfront.

b. Such use is so designed and located that it is not likely to become objectionable because of noise, traffic, number of students or other conditions.

c. In the case of a college or university, the applicant shall submit to the Board a plan for developing the campus as a whole showing the location, height and bulk, where appropriate, of all present and proposed improvements, including but not limited to, buildings, parking and loading facilities, screening, signs, streets and public utility facilities, athletic and other recreational facilities, and a description of all activities conducted or to be conducted therein,

and the capacity of all present and proposed campus development.

d. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the recommendations of appropriate agencies of the District of Columbia Government.

4402.38 - Other uses not specified in Subsections 4402.2 or 4402.4, provided that:

a. Such facility is so designed as to enhance the visual and recreational opportunities offered by the Waterfront.

b. Such use will not adversely affect the present character or future development of the neighborhood.

c. No dangerous or otherwise objectionable traffic conditions shall result from the establishment of such use.

d. The Board may impose requirements pertaining to the design, appearance, screening and such other requirements as it shall

deem necessary for the protection of neighboring or adjacent property.

e. Before taking final action on an application for such use, the Board shall refer the application to the Office of Planning and Management for coordination, review and report, said report to include the recommendations of appropriate agencies of the District of Columbia Government.

4402.39 - Wherever the provisions of Subsection 4402.3 require referral of an application to the Office of Planning and Management for coordination, review and report, said report shall consider:

1. Whether the proposed use furthers the objectives of the Waterfront Districts.

2. The relationship of the proposed use to other planning considerations for the area and the District of Columbia as a whole, including the plans, programs and policies of other departments and agencies of the District Government.

3. The proposed site plan, including the relationship of different uses on the site.

4. The effect of the proposed site plan on neighboring properties.

5. Other considerations which are deemed appropriate for report.

4402.391 - Whenever the Office of Planning and Management refers an application to the District of Columbia Department of Highways and Traffic under Subsection 4402.3, the report shall consider the following:

1. Considerations of the traffic to be generated.

2. The location and design of vehicular access and parking facilities.

3. The number of parking and loading facilities.

4. The treatment of public space.

5. Other considerations which are deemed appropriate for report.

4402.392 - Whenever the Office of Planning and Management refers an application to the

Department of Environmental Services under Subsection 4402.3, the report shall consider the following:

1. The availability of sewer and water capacity.
2. Considerations of air quality.
3. Considerations of noise from commercial, industrial and traffic sources.
4. Other considerations which are deemed appropriate for report.

4402.4 - The following uses are specifically prohibited in Waterfront Districts:

4402.41 - Animal hospital or veterinarian

4402.42 - Automobile or motorcycle sales or repairs

4402.43 - Car wash

4402.44 - Chemical manufacturing, storage or distribution

4402.45 - Drive-in establishment (any establishment where goods or services are rendered directly to occupants of motor vehicles)

4402.46 - Enameling, plating or painting  
(except artist's studio) as a principal use

4402.47 - Gasoline service station

4402.48 - Material salvage

4402.49 - Outdoor advertising or  
billboard

4402.410 - Outside material storage

4402.411 - Packing or crating operation

4402.412 - Parking lot

4402.413 - Smelting or rendering

4402.414 - Carting, express, moving or  
hauling terminal or yard

4402.415 - Any industrial use prohibited  
in the M District

4402.5 - All uses in existence on the  
effective date of the designation of a  
Waterfront District which have a valid  
certificate of occupancy or uses intended  
to occupy a building or structure for which  
a valid building permit has been issued on  
the effective date of the designation of a  
Waterfront District and which are permitted

in a Waterfront District as a special exception under Subsection 4402.3 shall be considered as conforming uses. Any expansion of such use or the introduction of any additional uses must be approved by the Board of Zoning Adjustment in accordance with the applicable Paragraph of Subsection 4402.3. All uses in existence on the effective date of the designation of of a Waterfront District which have a valid certificate of occupancy or uses intended to occupy a building or structure for which a valid building permit has been issued and which are prohibited in a Waterfront District under Subsection 4402.4 shall be considered as non-conforming uses and shall be governed by the applicable provisions of Article 71 of these Regulations.

4402.6 - Existing Structures - All structures in existence or under construction pursuant to a valid building permit on the effective date of the designation of a Waterfront



District and which do not otherwise conform to the applicable standards of a Waterfront District shall be considered as conforming structures. All such structures may be renovated, remodeled, altered or expanded provided there shall be no increase in height, floor area, lot occupancy, yard, court or roof structure requirements above those normally allowed in said Waterfront District.

Section 4403 - Heights of Buildings and Structures

4403.1 - Except as provided below, the height of buildings and structures shall not exceed that given in the following table:

W-1	-	40 feet
w-2	-	60 feet
w-3	-	90 feet

In the Waterfront Districts, the height of buildings and structures shall be measured as provided in Section 1202 (definition of "building, height of"), except that height shall be measured to the highest point of roof, excluding parapets not exceeding five feet in height.

4403.2 - A spire, tower, dome, pinnacle or minaret serving as an architectural embellishment, a radio or television tower, a chimney or smokestack may be erected to a height in excess of that authorized in Subsection 4403.1.

4403.3 - If erected or enlarged as provided in Section 4407, housing for mechanical equipment, or a stairway or elevator penthouse may be erected to a height in excess of that authorized in the district in which located, provided such housing or penthouse is set back from all lot lines of the lot upon which such structure is located a distance equal to their respective heights above the roof of the top story.

Section 4404 - Floor Area Ratio

4404.1 - In the W-1 District, the floor area ratio of all buildings and structures on a lot shall not exceed 2.5, not more than 1.0 of which may be used for other than residential purposes.

4404.2 - In the W-2 District, the floor area ratio of all buildings and structures on a lot shall not exceed 4.0, not more than 2.0 of which may be used for other than residential purposes.

4404.3 - In the W-3 District, the floor area ratio of all buildings and structures on a lot shall not exceed 6.0, not more than 5.0 of which may be used for other than residential purposes.

4404.4 - For the purposes of this section "residential purposes" shall include dwellings, flats, multiple dwellings, rooming and boarding houses, hotels and motels.

Section 4405 - Off-Street Parking and Loading

4405.1 - All buildings and structures in a Waterfront District shall be provided with at least the number of off-street parking spaces specified in the following parking schedule. All such parking spaces shall conform to the provisions of Sections 7204, 7205, 7206, and 7207, except Paragraph 7207.17.

USE	<u>MINIMUM NUMBER OF PARKING SPACES</u>
Single-family Dwelling or Flat	1 dwelling unit
Multiple Dwelling	1/4 dwelling units
Hotel or Motel	1/4 sleeping rooms or suites
Hospital or Nursing Home	1/8 beds
Retail Sales or Service	1/750 square feet of gross floor area
Office or Clinic	None
Boat Club or Marina	1/4 berths or slips
Recreational Building or Use	1/2,000 square feet of gross floor area
Manufacturing, processing, fabricating, milling, wholesale use, or building service trade	None
Warehouse	None
Theater or Place of Public Assemblage	None
All others	None

4405.2 - The Board of Zoning Adjustment is authorized to reduce the minimum number of required parking spaces. Such reduction shall be governed by the provisions of Subsections 7203.2 and 7203.3.

4405.3 - All buildings and structures in a Waterfront District shall be provided with at least the number of off-street loading berths specified in the following schedule:

USE	<u>MINIMUM NUMBER OF LOADING BERTHS</u>
Multiple dwelling with more than 50 units	1
Hotel - for each 200 rooms	1
Office	
20,000 to 50,000 square feet of gross floor area	1
50,000 to 100,000 square feet of gross floor area	2
Over 100,000 square feet of gross floor area	3
Retail	
5,000 to 10,000 square feet of gross floor area	1
10,000 to 50,000 square feet of gross floor area	2
For each additional 100,000 square feet	1

Warehouse, Wholesale &  
Manufacturing

5,000 to 20,000 square feet of gross  
floor area

20,000 to 100,000 square feet of gross  
floor area

2

For each additional 100,000 square feet

1

All others

None

All such berths shall conform to the  
requirements of Subsections 7302.2 and  
7302.3, Sections 7303 and 7305 and Para-  
graphs 7306.11 and 7306.12 and shall be  
located within the building or in the  
rear or side yard of the building.

Section 4406 - Yards, Courts and Open Space  
Requirements

4406.1 - Percentage of Lot Occupancy

4406.11 - No building or portion thereof  
devoted to residential use including  
accessory buildings, shall occupy the lot  
upon which it is located in excess of the  
percentage of lot occupancy prescribed in  
the following table:

<u>DISTRICT</u>	<u>PERCENTAGE OF LOT OCCUPANCY</u>
W-1	80
W-2, w-3	75

4406.12 - For the purposes of this subsection,

the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.

4406.13 - For the purposes of this subsection, "residential use" shall be dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent or nursing homes and hospitals.

4406.2 - Rear Yard

4406.21 - A rear yard shall be provided for each residential building or structure.

4406.22 - When the residential use begins at or below grade, the minimum depth of

rear yard shall be 3" per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof, but not less than 12 feet.

4406.23 - When the residential use begins above grade, the minimum depth of rear yard shall be 3" per foot of vertical distance from the horizontal plane upon which the residential use begins to the highest point of the main roof, but not less than 12 feet. Such rear yard need be provided at and above the residential plane.

4406.24 - For the purposes of this section, "residential building or structure" shall include those used as or intended to be used as dwellings, flats, multiple dwellings, rooming and boarding houses, halfway houses, personal care homes, convalescent and nursing homes, hospitals, hotels, and motels.

4406.3 - Side Yard



4406.31 - No side yard is required.

However, if a side yard is provided, its minimum width shall be at least eight (8) feet.

4406.4 - Courts

4406.41 - Where a court is provided, such court shall have the following minimum dimensions:

<u>Structure</u>	<u>Width of Open Court</u>	<u>Area and Width of Closed Court</u>
Residential building	4" per ft. of hgt.; minimum: 10 feet	Width: 4" per ft. of hgt.; minimum: 15 feet Area: 2 x square of required width; minimum 350 square feet
Hotel and Motel	3" per ft. of hgt.; minimum: 10 feet	Same as above
Other Structures	2-1/2" per ft. of hgt.; minimum: 6 feet	Width: 2-1/2" per ft. of hgt; minimum: 12 feet Area: 2 x square of required width; minimum 250 square feet

4406.42 - For the purposes of this subsection, "residential building" shall be dwellings, flats, multiple dwellings, rooming and

5. Modify parts of Section 1202 as follows:

A. Add a new definition as follows:

Recreational building or use: Any establishment providing facilities for recreation, including but not limited to picnicking, boating, fishing, bicycling, tennis and activities incidental to the foregoing but not including golf driving ranges or any mechanical amusement device.

B. Add to the definition of "motel" after the term "parking space" the following:

"except as provided for in the Waterfront Districts in Subsection 4405.1."

C. Add a new definition as follows:

Wholesale Use: The sale of goods to retail or service establishments which in turn will sell them to consumers who will directly use the commodity.

D. Add to the end of the definition of "percentage of lot occupancy" the words:

"Except as provided in the Waterfront Districts wherein the percentage of lot occupancy may be calculated on a horizontal plane located at the

B. Add to existing Paragraph 7501.25, subparagraph "b", the following:

W-1 - 3.0, not more than 1.0 of which may be used for other than residential purposes.

w-2 - 4.0, not more than 2.0 of which may be used for other than residential purposes.

w-3 - 6.0, not more than 5.0 of which may be used for other than residential purposes.

C. Add a new subparagraph "e" to existing Paragraph 7501.23, to read as follows:

e. Waterfront Districts - When the project is entirely within a Waterfront Zone District or Districts, the area required may be reduced to not less than 20,000 square feet.

D. Modify Paragraph 7501.23 to read as follows, (added letter underlined):

"7501.23 - Each application shall certify that the minimum area of land included within the project is at least three acres except as modified in Sub-paragraphs a, b, and e of this Paragraph."

boarding houses, halfway houses, personal care homes, convalescent or nursing homes and hospitals.

Section 4407 - Roof Structures

4407.1 - All provisions of Section 3308 shall apply to roof structures in the Waterfront Districts.

4407.2 - The gross floor area of roof structures permitted under this section shall not be counted in determining the required number of off-street parking spaces or required number of loading berths as specified elsewhere in these regulations.

4. Modify parts of Section 7501 as follows:

A. Add to existing Paragraph 7501.24, subparagraph "a", the following:

W-1 - 60 feet

w-2 - 60 feet

w-3 - 90 feet

lowest level where residential uses begin.

6. Amend Subsection 7610.1 to insert the word "Waterfront" after the words "Special Purpose."

7. Amend Subsection 7613.2 to add a new Paragraph 7613.24 to read as follows:

7613.24 - W-1, w-2, and W-3 Districts

Renumber existing Paragraph 7613.24 to 7613.25

8. Amend Section 7614 to insert the letter "W" after "C" in Paragraphs 7614.11, 7614.13 and 7614.2a.

9. Amend Subsection 7103.1 to insert "W-1, W-2 and W-3" after "C-4 " and before "C-M-1."

10. Amend Subsection 8207.2 to include those special exceptions allowed in Waterfront Districts as follows:

<u>Type of Special Exception</u>	<u>District</u>	<u>Section, Paragraph or Sub-paragraph in which Conditions are Specified</u>
Bowling Alley	w, C-1	4402.33 5101.44
Building Service Trade	W	4402.36
Electric Substation	Any R Dist.	
Hospital or Clinic	W	3101.43, 4402.32
Light Manufacturing, Processing, Fabricating,	W	4402.31
Milling	W	4402.34

Natural Gas Regulator Station	Any R Dist. W	3101.43, 4402.32
Public Utility Pumping Station	Any R, SP or C Dist., W	3101.43, 4101.44, 4402.32, 5101.42, 5102.42, 5102.43, 5101.41
School - Private School, Trade School, College or University	W	4402.37
Telephone Exchange	R-4, R-5, SP, w	3104.42, 4101.43 4402.32
Warehouse	W	4402.35
Wholesale Use	W	4402.35
Uses not specified in 4402.2 and not prohibited in 4402.4	W	4402.38

11. Modify parts of Article 72 as follows:

A. Add to the end of Subsections 7201.1 and 7201.2 the following:

"or in the case of a Waterfront District, Sub-section 4405.1."

B. Add to Subsection 7201.3 after the term "Section 7202" the following:


"or in the case of a Waterfront District, Sub-section 4405.1."

C. Add to the beginning of Subsection 7202.1 the following:

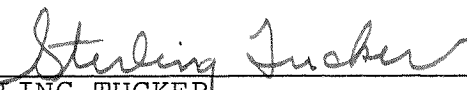
"Except as provided in Subsection 4405.1."

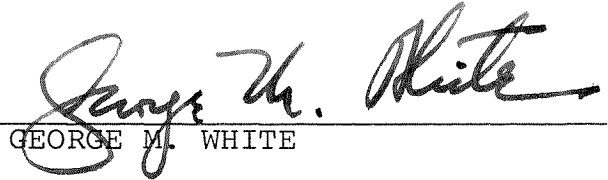
D. Add to Paragraph 7207.14, 7207.15, and 7207.16 after the term "Section 7202" the following:

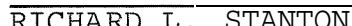
"or in the case of a Waterfront District, Sub-section 4405.1."

  
WALTER E. WASHINGTON

  
JOHN A. NEVIUS

  
STERLING TUCKER

  
GEORGE M. WHITE

  
RICHARD L. STANTON

ATTEST:   
Martin Klauber  
Executive Secretary

Commissioner Stanton respectfully dissents from this Order.